

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TENNESSEE  
AT GREENEVILLE

JOHN DOE,

Plaintiff,

v.

DAVID. B. RAUSCH,

Defendant.

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No.: 2:22-CV-77-KAC-CRW


**ORDER DENYING MOTION TO REOPEN CASE**

This case is before the Court on Plaintiff’s “Motion to Reopen Case” [Doc. 15]. On July 6, 2022, Plaintiff filed a Complaint against Defendant [Doc. 1]. On August 9, 2022, Plaintiff filed a “Notice of Voluntary Dismissal,” [Doc. 14], in which Plaintiff “voluntarily dismissed” his action “without prejudice” under Federal Rule of Civil Procedure 41(a)(1)(A)(i), [*id.* at 1]. On April 26, 2023, over eight (8) months later, Plaintiff filed the instant Motion, “seek[ing] for this matter to be reopened as it is ripe for adjudication and there are no impediments” [Doc. 15 at 1]. Plaintiff’s Motion provides no legal support for the relief he requests.

Plaintiff’s Motion is procedurally improper. “A first voluntary dismissal either by notice or stipulation under Federal Rule of Civil Procedure 41(a)(1)(A) is ***without prejudice to the commencement of another action*** unless otherwise stated in the notice or stipulation itself.” 9 Charles Alan Wright & Arthur R. Miller, Fed. Prac. & Proc. Civ. § 2367 (4th ed. 2023) (emphasis added). A voluntary dismissal “leaves the situation as if the action never had been filed. After the filing of a dismissal, the action no longer is pending, and generally no further proceedings in the action are proper.” *Id.* (footnote omitted). “[T]o re-open a case that has been voluntarily dismissed without prejudice, the proper course is to file a new complaint, not to move to re-open.” *Eggleston*

*v. Daniels*, No. 15-11893, 2017 WL 3977799, at \*2 (E.D. Mich. Sept. 11, 2017). Accordingly, the Court **DENIES** Plaintiff's "Motion to Reopen Case" [Doc. 15].

IT IS SO ORDERED.

  
KATHERINE A. CRYTZER  
United States District Judge